



Public Utilities

420 Madison Ave.
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June 30, 2022

Debora Shore
Administrator, Region 5
US Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Submitted via electronic mail to: opie.jodie@epa.gov

Re: Subject: Public comment on the proposed Euclid, Ohio NPDES permit.

Dear Ms. Shore:

The City of City of Toledo appreciates the opportunity to provide public comment on the proposed Euclid NPDES permit.

First and foremost, the City of City of Toledo wholly supports the Ohio Environmental Protection Agency's position in its entirety concerning the proposed Euclid NPDES permit. Toledo respectfully requests that the USEPA withdraw its objection to the proposed Euclid NPDES permit. The City also supports and adopts the well articulated positions put forth by TMACOG and the Maumee Watershed Coalition, the Ohio Municipal League and the County Sanitary Engineers Association of Ohio. The USEPA should allow Ohio's EPA to continue its primacy as the environmental regulatory agency in Ohio.

The City of Toledo views the USEPA's attempts to bypass public notice and comment in rulemaking as unlawful and contradictory to USEPA's own environmental justice policy and its Equity Action Plan. In particular Priority Action #3 states:

"Develop EPA's internal capacity to engage underserved communities and implement clear and accountable processes to act based on communities' input."

Public utilities and the communities they serve must have an opportunity to be involved with any rulemaking that will require an investment of public funds. City of Toledo provides water and wastewater utility services to approximately 500,000 customers. In the last 20 years, the City of Toledo has spent over \$1 billion in improvements to its water and wastewater systems and has, just recently, performed a facility plan study at its wastewater plant. This study estimates that the City will need to spend in excess of \$900 million more on future improvements. These are tremendous sums of money that are funded by our rate paying customers who deserve to be heard on this issue.



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The City of Toledo opposes the USEPA's attempt to mandate a blanket phosphorus limit that not only has had no public input, but also is (1) not backed by science to justify the imposed limit; and (2) not scientifically or statistically proven to have any significant impact on the receiving waters. Such a mandate is unnecessary and would place additional financial burdens on local governments and the populations they serve during very unstable economic times, instead of focusing on non-point sources which are the culprit for increased levels of phosphorus.

The City of Toledo, in cooperation with many local governments and environmental organizations, are stewards of the Great Lakes and their watersheds. There have been numerous studies and reports done on harmful algal bloom ("HAB") reappearances in Lake Erie. The data identifies that the largest source of phosphorus is from non-point sources. Prior to the 1990's, HABs were caused by point sources, specifically from phosphorus discharged by wastewater plants and combined sewer overflows. Billions of dollars have been spent improving wastewater systems such that most plants currently have discharges below 1 mg/l.

The costs for this effluent reduction was and is being paid for by substantial increases in customer utility rates. Due to these rate increases, which are slated to continue to rise for years to come, phosphorus reduction at treatment plants and combined sewer overflows has been successful. HAB problems have abated and Lake Erie has been recovering. The remaining phosphorus in our waterways continues to be generated from non-point sources which continue unchecked. Currently, over 90% of the Maumee River phosphorus load into western Lake Erie originates from non-point sources. If the USEPA's recommendation of 0.5 mg/l phosphorus is implemented at treatment plants, the HABs in the western basin will continue to persist until the issues in the agricultural sector are resolved.

The OEPA is currently drafting a TMDL for the Western basin. The City of Toledo believes that non-point sources are where the focus on phosphorus reduction should be. The root cause of the Lake Erie HAB problem is a lack of balance in watershed ecosystems. The largest contributions of phosphorus to the watershed extends far up the Maumee River, significantly farther west than Toledo. According to the Ohio EPA, the United States Geological Survey office and The National Center for Water Quality Research at Heidelberg University: Annex 4 target flow weighted mean concentrations in 2020 were exceeded at all monitoring points in the Maumee watershed for both total phosphorus and dissolved reactive phosphorus. In particular, the 2020 flow-weighted mean concentrations of total phosphorus in the Tiffin River was 0.37 mg/L and 0.75 mg/L in the Auglaize River at Defiance. It is evident that many streams and rivers in the Maumee watershed have higher total phosphorus concentrations than the City of Toledo's wastewater treatment plant's effluent, which averaged



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0.56 mg/l in 2020. Clearly Toledo and plants like Toledo's are not the problem. We would ask the USEPA to work with its counterparts in the US Department of Agriculture to address the root of the problem – the non-point sources in Western Ohio.

The objection to the current Euclid permit should be withdrawn, and revisited if later scientific evidence determines that new effluent limits for the Central Basin are necessary. In addition, the USEPA should not object to any Western Basin permits until after a final draft of the Maumee Nutrient TMDL is submitted.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in blue ink, reading "Edward A. Moore". The signature is fluid and cursive, with the first name "Edward" being the most prominent part.

Edward A. Moore
Director